IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1190 (MS) OF 2004

Zameer Ahmad ……..Petitioner.

Versus

Motor Accident Claim Tribunal and other. ……Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Dharam Veer Singh, Sr. Advocate assisted by Sri Afsar Ali Khan, counsel for the petitioner.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondent no. 1 to allow the petitioner being father of minor Mohd. Haneef to refund Rs. 25,000/- awarded amount with interest.

Briefly stated, in Mohd. M.A.C.P. NO. 154 of 2003 Mohd. Haneef and other Versus Navneet Deval and others, the award was made to the extent of Rs. 25,000/- along with interest at the rate of 6% per annum vide order dated 11.08.2004. The copy of the award shows that the Claims Tribunal has passed the following order:-

"प्रतिकर याचीगण का प्रतिकर वाद विपक्षी संख्या २ नेशनल इन्श्योरेंस कम्पनी के विरूध्द २५,०००/– रूपये के प्रतिकर हेतु ६ प्रतिशत वार्षिक ब्याज के साथ प्रार्थना पत्र प्रस्तुत करने की तिथि से अन्तिम भुगतान की तिथि तक स्वीकृत किया जाता है विपक्षी संख्या २ नेशनल इन्श्योरेंस कम्पनी को निर्देशित किया जाता है कि आदेश की तिथि से एक माह के भीतर प्रदत्त धनराशि ब्याज सहित याजीगण को भुगतान करें, प्रदत्त प्रतिकर धनराशि २५,०००/– रूपये मोहम्मद हनीफ के नाम से १० वर्ष के लिए किसी राष्ट्रीयकृत बैंक या पोस्ट ऑफिस की अधिक ब्याज वाली

योजना में जमा की जायेगी तथा इसकी सूचना अधिकरण को दी जायेगी। ब्याज की धनराशि याजी संख्या २ जीमल अहमद को दी जायेगी।"

In view of the judgment in the case of H.S. Ahammed Hussan and another Vs. Irfan Ahammed and another reported in SCC (2002) 6 Page 52, the Apex Court has observed that the blocking of the money for such a long period cannot be made in view of the fact that there remains an urgency of the matter due to the sudden demise. The observation of the Apex Court in the aforesaid case is quoted below:-

"8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to the mothers of the victims should not have been directed to be kept in fixed deposit in a nationalized bank. In the facts and circumstances of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalized bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalized bank, there may be its premature withdrawal in case the parties so intend."

(RAJESH TANDON, J.)

05.11.2004
P.S.R.